

SENATE BILL 3041

By Beavers

AN ACT to amend Tennessee Code Annotated, Section 55-10-403, relative to driving under the influence penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(a)(1)(A), is amended by deleting the following language:

Notwithstanding any other provision of law to the contrary, the fourth or subsequent conviction shall be a Class E felony punishable by a fine of not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000); by confinement for not less than one hundred fifty (150) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class E felony; and the court shall prohibit the person from driving a motor vehicle for a period of five (5) years.

and substituting instead the following language:

Notwithstanding any other provision of law to the contrary, the fourth conviction shall be a Class E felony punishable by a fine of not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000); by confinement for not less than one hundred fifty (150) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class E felony; and the court shall prohibit the person from driving a motor vehicle for a period of five (5) years. Notwithstanding any other provision of law to the contrary, the fifth or subsequent conviction shall be a Class D felony punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000); by confinement for not less than three hundred sixty (360) consecutive days, to be served day for day, nor more

than the maximum punishment authorized for the appropriate range of a Class D felony; and the court shall prohibit the person from driving a motor vehicle for a period of five (5) years.

SECTION 2. Tennessee Code Annotated, Section 55-10-403(a), is amended by deleting subdivision (3) and substituting instead the following:

(3) For purposes of this part, a person who is convicted of § 55-10-401 shall be considered a repeat offender subject to enhanced penalties under this part if the person has been convicted of a violation of § 55-10-401 within the past ten (10) years from the date of the person's current offense or has been convicted of § 39-13-106, § 39-13-213(a)(2), or § 39-13-218 at any time prior to the offense.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.